

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Maiefisch et al.

Art Unit: 1616
Examiner: Pryor, Alton N.

U.S. Appln No.: 10/624,390

Conf. No. 6821

Filed: July 22, 2003

For: Oxadiazine Derivatives

Action: **Petition for Unintentionally Delayed Claim For Priority
Pursuant to 37 C.F.R. §§ 1.55(c) and 1.78(a)(3)**

Date: May 9, 2006

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR UNINTENTIONALLY DELAYED CLAIM
FOR PRIORITY PURSUANT TO 37 C.F.R. §§ 1.55(c) and § 1.78(a)(3)**

The present petition is being submitted pursuant to 37 C.F.R. §§ 1.55(c) and 1.78(a)(3) to respectfully request that the Office accept Applicants' unintentionally delayed domestic and foreign priority claim. At the outset, Applicants note for the Office's attention that Applicants submitted a priority claim upon the initial filing of the present application, claiming priority to the then pending US Patent application, SN 09/669,209, filed September 25, 2000. However, it was recently discovered that the priority claim on file does not identify each of the other prior applications in the series and, as such, the present application does not enjoy the benefit of the filing date of the first filed foreign application. Accordingly, this Petition is being submitted to request that the Office accept Applicants' corrected priority claim outside of the time period set forth in 37 C.F.R. §§ 1.55(a)(1)(i) and 1.78(a)(2)(ii).

Pursuant to 37 C.F.R. §§ 1.55(c) and 1.78(a)(3), a petition to accept an unintentionally delayed claim must be accompanied by the reference to the prior filed applications. Accordingly, Applicants' correct priority claim is as follows:

This application is a divisional of Application No. 09/669,209, filed September 25, 2000, now Pat. No. 6,627,753, which is a divisional of Application No. 09/136,664 filed August 19, 1998, now Pat. No. 6,376,487, which is a divisional of Application No. 08/464,931 filed June 05, 1995, now Pat. No. 5,852,012, which is a divisional of Application No. 08/270,612, filed July 5, 1994, now abandoned, which is a divisional of Application No. 08/091,801, filed July 14, 1993, now abandoned, which claims the benefit of Swiss Application No. 2315/92-1, filed July 22, 1992, now abandoned.

Applicants have also provided herewith an Application Data Sheet with the above priority claim. The undersigned states for the record that the entire delay between the date the claim was due pursuant to 37 C.F.R. §§ 1.55(a)(1) and 1.78(a)(2)(ii) and the date of this present petition was unintentional. The present Petition is accompanied by the surcharge set forth in § 1.17(l) in the amount of \$1,370.00. In addition, there is an outstanding, non-final Office Action, dated February 2, 2006 having a shortened statutory period for response set to expire May 2, 2006. Filed concurrently herewith is a request for a one (1) month extension of time so that the present application is pending at the time this Petition is being submitted. Applicants intend to file a response to the Office Action and/or a further divisional application by August 2, 2006 along with any applicable extensions of time.

Based upon the foregoing then, Applicants respectfully request that the Office grant the present Petition and accept this unintentionally delayed priority claim. No other fees are believed to be payable at this time. However, the Commissioner is authorized to debit any applicable fees from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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Date: May 9, 2006